GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Cooperation Department – Departmental proceedings initiated by framing article of charges against Sri B.Pome Naik, Special Cadre Deputy Registrar (now Retired) / the then Officer on Special Duty, Kadapa District Central Bank Limited, Kadapa on the allegation of irregularities in conducting of auction of assigned lands of Mannuru PACS mortgaged to the said Society / DCCB, Kadapa - Inquiry conducted – Charges proved – Imposing of Penalty – Orders – Issued.

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AGRICULTURE AND COOPERATION (VIG-II) DEPARTMENT

G.O.Rt.No.117 **Dated:10.02.2023**

Read the following:-

1. Letter Rc.No.17334/2011/PACS-III, dated:24.02.2016 of the CC&RCS, AP.
2. Letter Rc.No.2474/2016-SG, dated:23.4.2016 of the CC&RCS, AP.
3. G.O.Rt.No.821, Agri.&Coop.(Vig.II) Dept., dated: 19.12.2017.
4. Written statement of defence of Sri B.Pome Naik, SCDR / DCO, Kadapa, dated:24.01.2018.
5. Govt. Memo No.34021/4/2016-SO(VIG.II), dated:20.08.2019.
6. Inquiry report dated:21-11-2020 of Sri M. Srinivas Baba, Joint Registrar of Cooperative Societies & Inquiry Officer, Inquiry report dated:21-11-2020.
7. Govt.Memo No.34021/4/2016-SO(Vig.II), dated:02-02-2021.
8. Representation dated:10-04-2021 of Sri B.Pome Naik, SCDR / DCO(Retired), Kadapa.
9. Govt.Memo No.COOP/34021/4/Vig.II/2016, dated:07-03-2022.
10. Representation dated:12-04-2022 of Sri B. Pome Naik, SCDR/DCO(Retired), Kadapa.
11. Govt.Letter No.34021/4/Vig.II/2016-1, dated:21-07-2022.
12. Letter No.GAD03-APPSC0DCC/62/2022-DC.SEC-APPSC (Computer No. 1806305), dated:21-09-2022 of the Secretary, APPSC, Vijayawada.
13. Govt.Memo No.COOP/34021/4/Vig.II/2016, dated:12-10-2022.
14. Representation dated:30-01-2023 of Sri B. Pome Naik, SCDR/DCO(Retired), Kadapa.

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ORDER:

In a disciplinary case, on the allegations of irregularities in conducting auction of assigned lands of Mannuru PACS mortgaged to the said Society / DCCB, Kadapa, based on the proposal of the Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Government had initiated departmental proceedings by framing the following article of charges against Sri B.Pome Naik, Special Cadre Deputy Registrar (now Retired) / the then Officer on Special Duty, Kadapa District Central Bank Limited, Kadapa in the G.O.3rd read above:-

Article of Charge-1:

"That Sri B.Pome Naik, Special Cadre Deputy Registrar / District Cooperative Officer, Kadapa while working as Officer on Special Duty, Kadapa District Central Bank Ltd., Kadapa colluded with CEO, PACS

(P.T.O.)

Mannuru and individual loanee members and disposed off the lands assigned to loanees by the Government with criminal conspiracy. The action of the SCDR/OSD is against NABARD guidelines which exhibited wilful official misconduct, unlawful to official duties. The action of the SCDR/OSD also amounts to neglect of duties and failure in the performance of the duties required by the Act & Rules, and Government instructions and violation of Rule (3) of A.P.C.S.(Conduct) Rules, 1964".

Article of Charge-2:

"That Sri B.Pome Naik, Special Cadre Deputy Registrar/District Cooperative Officer, Kadapa while working as Officer on Special Duty, Kadapa District Central Bank Ltd., Kadapa disposed off the Government assigned lands violating the provisions of Section 3 of AP Assigned lands (POT) Act 1977 exhibited wilful official misconduct, unlawful to official duties. The action also amounts to neglect of duties and failure in the performance of the duties required by the Act & Rules, and Government instructions and violation of Rule (3) of A.P.C.S.(Conduct)Rules, 1964".

Article of Charge-3:

"That Sri B.Pome Naik, Special Cadre Deputy Registrar/District Cooperative Officer, Kadapa while working as Officer on Special Duty, Kadapa District Central Bank Ltd., Kadapa disposed off the Government assigned lands disproportionate to the dues violating the Rule (52) of APCS Rule, 1964 which exhibited wilful official misconduct, unlawful to official duties. The action also amounts to neglect of duties and failure in the performance of the duties required by the Act & Rules, and Government instructions and violation of Rule (3) of A.P.C.S.(Conduct) Rules, 1964".

Article of Charge-4:

"That Sri B.Pome Naik, Special Cadre Deputy Registrar/District Cooperative Officer, Kadapa while working as Officer on Special Duty, Kadapa District Central Bank Ltd., Kadapa disposed off the Government assigned lands violating the instructions of District Collector which exhibited wilful official misconduct, unlawful to official duties. The action also amounts to neglect of duties and failure in the performance of the duties required by the Act & Rules, and Government instructions and violation of Rule (3) of APCS Conduct Rules, 1964".

Article of Charge-5:

"That Sri B.Pome Naik, Special Cadre Deputy Registrar/District Cooperative Officer, Kadapa while working as Officer on Special Duty, Kadapa District Central Bank Ltd., Kadapa disposed off the Government assigned lands and confirmed the sale without waiting for orders from CC&RCS on the clarification sought by him in his letter dated: 15.03.2013, thereby exhibited wilful official misconduct, unlawful to official duties. The action also amounts to neglect of duties and failure in the performance of the duties required by the Act & Rules, and Government instructions and violation of Rule (3) of A.P.C.S.(Conduct) Rules, 1964".

(Contd..3)

2. The Charged Officer has submitted his written statement of defence dated:24-01-2018 denying all the charges framed against him.

3. Since the Charged Officer has denied all the charges framed against him, Government had appointed Sri M. Srinivas Baba, Joint Registrar as Inquiring Authority to inquire into the charges framed against Charged Officer viz. Sri B. Pome Naik, Special Cadre Deputy Registrar (now Retired) and also appointed Sri D. Pandu Ranga Rao, Special Cadre Deputy Registrar/District Cooperative Officer, East Godavari District, Kakinada as Presenting Officer to present the case on behalf of the disciplinary authority vide reference 5th read above.

4. After conducting the regular inquiry, the Inquiring Authority has submitted the inquiry report dated:21-11-2020 concluding that all five (5) charges are held proved against the Charged Officer viz. Sri B. Pome Naik, Special Cadre Deputy Registrar (now Retired) / the then Officer on Special Duty, Kadapa District Central Bank Limited, Kadapa.

5. In the reference 7th read above, the inquiry report dated: 21-11-2020 was communicated to the Charged Officer calling for his written representation, if any, on the findings of the Inquiring Authority. In turn, the Charged Officer has submitted his representation dated:10-04-2021 on the findings of the Inquiry Officers.

6. After examining the matter with reference to the record of inquiry, Government have provisionally decided to impose a penalty of 10% (ten %) cut in eligible pension for a period of five (5) years against Sri B.Pome Naik, Special Cadre Deputy Registrar (now Retired) / the then Officer on Special Duty, Kadapa District Central Bank Limited, Kadapa under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, Show Cause Notice dated:07-03-2022 was served on the Charged Officer.

7. The Charged Officer has submitted his representation dated: 12-04-2022 to the Show Cause Notice requesting to consider his earlier written statement of defence and drop the proposed penalty of cut in pension against him.

8. After careful examination of the entire matter with reference to the record of inquiry, Government have confirmed the provisional decision to impose a penalty of 10% (ten %) cut in eligible pension for a period of five (5) years against Sri B.Pome Naik, Special Cadre Deputy Registrar (now Retired) / the then Officer on Special Duty, Kadapa District Central Bank Limited, Kadapa under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case. Accordingly, the A.P.Public Service Commission was addressed for their concurrence on the decision of the Government to impose penalty against the Charged Officer vide reference 11th read above.

9. In turn, the Secretary, A.P.Public Service Commission, in the letter dated:21-09-2022 has informed that, Commission opines that the Charged Officer has involved in activities of breach of trust and displayed lack of integrity, as such the proposed punishment is to be commensurately enhanced and therefore advised to 10% for ten years for Sri B. Pome Naik, Special Cadre Deputy Registrar (now Retired).

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10. After considering the matter, Government have accepted the advice tendered by the A.P.Public Service Commission vide reference 12th read above. Accordingly, Revised Show Cause Notice dated:12-10-2022 was served on the Charged Officer.

11. In response to the Revised Show Cause Notice dated:12-10-2022, the Charged Officer Sri B. Pome Naik, Special Cadre Deputy Registrar (now Retired), Kadapa has submitted his representation dated:30-01-2023 stating that he has not caused any financial loss to the Government and requested to drop further action against him on humanitarian grounds.

12. Government, after thorough examination of the entire matter with reference to the record of inquiry, hereby order to impose a penalty of 10% (ten %) cut in eligible pension for a period of ten (10) years against the Charged Officer viz. Sri B.Pome Naik, Special Cadre Deputy Registrar (now Retired) / the then Officer on Special Duty, Kadapa District Central Bank Limited, Kadapa under Rule 9 of A.P.Revised Pension Rules, 1980, in the instant disciplinary case.

13. The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY, IFS,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri B.Pome Naik,
Special Cadre Deputy Registrar (now Retired) /
the then Officer on Special Duty, Kadapa District Central Bank Limited, Kadapa.
(Through : The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur)
The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur.
Copy to:-
The Secretary, A.P.Public Service Commission, Vijayawada.
The Accountant General, A.P., Vijayawada.
SF/SC.

//FORWARDED :: BY ORDER//

K. Sampath Kumar
SECTION OFFICER